

JUN 18 2007

Application No.: 10/528,078

REMARKS**I. Introduction**

At the time of the Office Action dated March 16, 2007, claims 1-5 were pending in this application. Applicant acknowledges, with appreciation, the Examiner's indication that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, claims 1, 3, and 5 have been amended, claim 4 has been canceled, and new claim 6 has been added. Care has been exercised to avoid introduction of new matter. Specifically, support for the amendment of claim 1 can be found in, for example, the paragraph bridging pages 12 and 13 of the specification. Claim 3, indicated to be allowable, has been amended to be in independent form. New claim 6 recites the limitation recited in original claim 4.

II. The Rejection of Claims 1 and 5/1

Claims 1 and 5/1 have been rejected under 35 U.S.C. §102(b) as being anticipated by Funamoto et al. In the statement of the rejection, the Examiner asserted that Funamoto et al. discloses a surface-type illumination device identically corresponding to what is claimed. This rejection is respectfully traversed.

Applicant submits that Funamoto et al. does not identically disclose a lighting unit including all the limitations recited in independent claim 1. Specifically, the reference does not disclose, at a minimum, "a housing ... having an opening portion which is formed to penetrate the housing toward the reflector and configured to radiate heat from the light source to an outside of the housing," recited in the claim.

Application No.: 10/528,078

The Examiner asserted that Funamoto et al. discloses opening portions provided on side walls of upper and lower cases 2 and 3 of the display device (see Fig. 3). However, Funamoto et al. is silent on the claimed "opening portion formed to penetrate the housing toward the reflector" because there is no opening formed to penetrate upper and lower cases 2 and 3 which are purportedly identified as the claimed housing.

Funamoto et al. appears to disclose that tooth 4 projects from the side wall of case 3. However, there is no disclosure in Funamoto et al. as to whether the side wall of case 2 has an opening with which tooth 4 is engaged. Furthermore, the side wall of case 2 and the side wall of case 3 overlap each other when the device is assembled. Therefore, even if it is assumed that there is an opening at the side wall of case 2 for the sake of this response, because the side wall of case 3 does not have an opening, there is no opening which penetrates through both side walls when the device is assembled. In contrast, claim 1 recites a housing having an opening portion which is formed to penetrate the housing toward the reflector and configured to radiate heat from the light source to an outside of the housing.

Based on the foregoing, Funamoto et al. does not identically disclose a lighting unit including all the limitations recited in independent claim 1. Dependent claim 5/1 is also patentably distinguishable over Funamoto et al. at least because the claim includes all the limitations recited in independent claim 1. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 1 and 5/1 under 35 U.S.C. §102(b) and favorable consideration thereof.

III. The Rejection of Claims 2, 4 and 5/4

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Funamoto et al. in view of Matsuda et al. This rejection is respectfully traversed.

Application No.: 10/528,078

Claim 2 depends from independent claim 1. Applicant, thus, incorporates herein the arguments previously advanced in traversing the rejection of claim 1 under 35 U.S.C. §102 for anticipation evidenced by Funamoto et al. The Examiner's additional comments and secondary reference to Matsuda et al. do not cure the previously argued deficiencies in Funamoto et al. Matsuda et al. discloses that holes 2a are formed in frame 2, and locking lugs 8a engaging with holes 2a are formed in frame 8. As locking lugs 8a are hooked into holes 2a, frames 2 and 8 can be connected to each other. However, the reference is silent on an opening portion existing when frames 2 and 8 are connected to each other. In addition, even if it is assumed that there is an opening portion for the sake of this response, Matsuda et al. is silent on any relationship between locking lug 8 and a reflector.

Accordingly, Funamoto et al. and Matsuda et al., either individually or in combination, do not disclose or suggest a light unit including all the limitations recited in claim 2. Withdrawal of the rejection of claim 2 is, therefore, respectfully solicited.

Claims 4 and 5/4 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Funamoto et al. in view of JP 04-264488 ("Suehiro"). This rejection has been rendered moot by the cancellation of claim 4 and the amendment of claim 5/4 to be dependent on claim 1. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 4 and 5/4.

IV. New Claim 6

Applicant believes that new claim 6 is also patentably distinguishable over the cited references at least because this claim includes all the limitations recited in independent claim 1. Favorable consideration is, therefore, respectfully solicited.

Application No.: 10/528,078

V. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 53080
as our correspondence address.

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000
Facsimile: 202.756.8087 MEF:TT:mjb
Date: June 18, 2007

WDC99 1368386-1.077494.0040

Certification of Facsimile Transmission
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.
MICHAEL E. BRYANT
 Michael Bryant 6/18/07
 Signature Date